

**EIGHTY-FIRST DAY**

(Friday, June 1, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moore
Brown	Morris
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senators Carney, Spears and Hazlewood were granted leaves of absence for today on account of important business, on motion of Senator Winfield.

**Report of Conference Committee**

Senator Graves submitted the following report:

Austin, Texas,  
May 18, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 54, beg leave to report that we have considered the same and recommend that it do pass in the form attached hereto.

GRAVES  
SHIVERS  
STONE  
STANFORD

On the part of the Senate.

HARTZOG  
HOYO  
ROARK  
CHAMBERS  
DAVIS

On the part of the House.

By Hartzog: H. B. No. 54

**A BILL**  
**To Be Entitled**

An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended, providing for the rule of construction, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 7064, Revised Civil Statutes of 1925, as amended, be and the same is hereby amended so as to hereafter read as follows:

'Art. 7064. Insurance companies other than life, other than fraternal benefit associations, and other than non-profit group hospital service plans; tax on gross premiums:

'Every insurance corporation, Lloyd's or reciprocals, and any other organization or concern transacting the business of fire, marine, marine inland, accident, credit, title, livestock, fidelity, guaranty, surety, casualty, workmen's compensation, employers liability, or any other kind or character of insurance business, other than the business of life insurance, personal accident insurance, life and accident insurance, or health and accident insurance for profit, written by a life insurance company, life and accident insurance company or health and accident insurance company, or for mutual benefit or protection in this State and other than fraternal benefit associations or societies in this State, and other than non-profit group hospital service plans, at the time of filing its annual statement, shall report to the Board of Insurance Commissioners the gross amount of premiums received upon property located in this State or on risks located in this State during the preceding year, and each of such insurance carriers shall pay an annual tax upon such gross

premium receipts of three and five tenths (3.5%) per cent, provided that any such insurance carriers doing two (2) or more kinds of insurance business herein referred to shall pay the tax herein levied upon its gross premiums received from each of said kinds of business; and the gross premium receipts where referred to in this law shall be the total gross amount of premiums received on each and every kind of insurance or risk written, except premiums received from other licensed companies for reinsurance, less return premiums and dividends paid policyholders, but there shall be no deduction for premiums paid for reinsurance. The gross premium receipts, as above defined, shall be reported and shown as the premium receipts in the report to the Board of Insurance Commissioners by the insurance carrier, upon the sworn statement of two (2) principal officers of such carriers. Upon receipt by the Board of Insurance Commissioners of the sworn statements, showing the gross premium receipts by such insurance carriers, the Board of Insurance Commissioners shall certify to the State Treasurer the amount of taxes due by each insurance carrier which tax shall be paid to the State Treasurer on or before the first day of March following, and the Treasurer shall issue his receipt to such carrier, which shall be evidence of the payment of such taxes. No such insurance carrier shall receive a permit to do business in this State until all such taxes are paid.

'Each such insurance organization shall also report to the Board of Insurance Commissioners on or before the first day of March of each year, the amount that it had invested on the 31st of December, preceding, in Texas securities as defined herein and the amount that it had invested on said date in similar securities in the state in which it had its highest percentage of admitted assets invested, and in computing the amount of such investments in such other state, it shall include as a part thereof that percentage of its investments in bonds of the United States of America purchased between December 8, 1941, and the termination of the war in which the United States is now engaged that its reserves for unearned premiums and loss reserves, as required in such other state, are of its total reserves. If the report of such insurance organization as of December

31st preceding, shows that such organization had invested in Texas securities, as herein defined, an amount which is not less than seventy-five (75%) per cent nor more than eighty (80%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested its tax shall be two seventy-five one-hundredths (2.75%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty (80%) per cent and not more than eighty-five (85%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be two and one-half (2½%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty-five (85%) per cent and not more than eighty-eight (88%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be two (2%) per cent of its gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty-eight (88%) per cent and not more than ninety (90%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be one and one-half (1½%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of ninety (90%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be one (1%) per cent of such gross premium receipts.

'For the purposes of this Act, Texas Securities are defined as real estate in this State; bonds of the State of Texas; bonds or interest bearing warrants of any county, city, town, school district or any municipality or subdivision thereof which is now or

may hereafter be constituted or organized and authorized to issue bonds or warrants under the Constitution and laws of this State; notes or bonds secured by mortgage or trust deed on property in this State insured by the Federal Housing Administrator; the cash deposits in regularly established national or state banks or trust companies in this State on the basis of average monthly balances throughout the calendar year; that percentage of such insurance company's investments in the bonds of the United States of America, that its Texas reserves for unearned premiums and loss reserves as may be required by the Board of Insurance Commissioners, are of its total reserves; but this provision shall apply only to United States Government Bonds purchased between December 8, 1941, and the termination of the war in which the United States is now engaged; in any other property in this State in which by law such insurance carriers may invest their funds.

No occupation tax shall be levied on insurance companies herein subjected to the gross premium receipt tax by any county, city or town. All mutual fraternal benevolent associations now or hereafter doing business in this State under the lodge system and representative form of government, whether organized under the laws of this state or a foreign state or country, are exempt from the provisions of this article. The taxes aforesaid shall constitute all taxes collectible under the laws of this State against any such insurance carriers except maintenance taxes specially levied under the laws of this State and assessed by the Board of Insurance Commissioners to support the various activities of the divisions of the Board of Insurance Commissioners, and except if any such carrier is writing personal accident or health and accident insurance other than workmen's compensation, it shall be taxed as otherwise provided by law on account of such business; and except unemployment compensation taxes levied under Senate Bill No. 5, passed by Third Called Session of the Forty-fourth Legislature and amendments thereto. No other tax shall be levied or collected from any insurance carrier by the state, county, city or any town, but this law shall not be construed to prohibit the levy and collection of state, county and municipal taxes upon the real and

personal property of such carrier. Purely cooperative or mutual fire insurance companies carried on by the members thereof solely for the protection of their own property, and not for profit, shall be exempt from the provisions of this law. This Act shall be cumulative of all other laws and shall repeal Article 4758, Revised Civil Statutes of 1925, as amended, and all other laws only in so far as they levy any tax on any of the organizations affected by this Act or otherwise conflict with this Act, except as provided above.

Sec. 2. If any section, paragraphs or sentence of this Act shall be held invalid, unconstitutional, or inoperative, it shall not affect the validity of the remaining sections of this Act, but the remainder of the Act shall be given effect as if such invalid, unconstitutional, or inoperative portion had not been included.

Sec. 3. The importance of this legislation and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, be suspended and same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

On motion of Senator Graves, the report was adopted.

#### Record of Votes

Senators Sulak, Weinert, Aikin, and Vick, asked to be recorded as voting "nay" on the adoption of the report.

Senator Moore asked that the record show that he had agreed to pair with Senator Mauritz on the question of adoption of the report and that Senator Mauritz (absent) would vote "yea," while he (Senator Moore) would vote "nay."

#### House Concurrent Resolution 90

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 90, Providing for adjournment of the Legislature sine die at 12:00 o'clock m., Tuesday, June 5, 1945.

The resolution was read and was adopted.

**Senate Concurrent Resolution 38**

Senator Moore offered the following resolution:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, that

The Enrolling Clerk of the House is directed to correct House Bill No. 173 by deleting from the rider dealing with the University of Texas, the following words:

"Provided further that no person shall be appointed within any of these categories who is within five years of retirement in accordance with any compulsory retirement or modified service plan then prevailing. Provided further that when any person holding one of these distinguished professorships the retirement or modified service age then in operation, the distinguished professorship which he held shall be declared released for further appointment."

MOORE  
WEINERT  
RAMSEY  
BROWN  
GRAVES  
WINFIELD  
STONE  
AIKIN  
SHIVERS  
KNIGHT  
CHADICK  
BULLOCK  
STANFORD  
VICK

(Pending consideration of the resolution, Senator Knight occupied the Chair temporarily.)

(President in the Chair.)

The resolution was read and was adopted.

**Record of Vote**

Senator Metcalfe asked to be recorded as voting "nay" on the adoption of the resolution.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
May 31, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has adopted the Conference Committee Report on House Bill No. 353 by a vote of 120 yeas.

S. B. No. 133, An Act amending Section 13 of House Bill No. 654, Chapter 314, page 698 of the General and Special Laws passed by the Regular Session of the 41st Legislature, as thereafter amended; and declaring an emergency. With amendments.

S. B. No. 160, Amending Article 3902, Revised Civil Statutes of Texas of 1925, and all amendments thereto, by adding thereto a new subsection to be known as Subsection 9; fixing the maximum compensation of the Chief Deputies to the County Sheriffs and other deputies to the County Sheriffs in counties of not less than ten thousand, two hundred fifty (10,250), and not more than ten thousand, three hundred fifty (10,350) inhabitants, according to the last preceding Federal Census, and which have a tax valuation of not less than Thirteen Million, One Hundred Dollars (\$13,000,100.00) according to the last approved tax roll; and declaring an emergency.

The House has adopted the Conference Committee Report on Senate Bill No. 246 by a vote of 110 yeas.

S. C. R. No. 37, Declaring the Legislative intent and desire in so far as H. B. No. 849 is concerned, etc.

The House has adopted H. C. R. No. 90 providing for sine die adjournment at 12:00 o'clock noon on Tuesday, June 5, 1945.

Conferees on S. B. No. 48 unable to agree; motion to discharge Conference Committee prevailed and new committee appointed. The following conferees have been appointed on the part of the House: Markle, Smith of Jefferson, McMurry, Fertsch, Evans.

The House has adopted the Conference Committee Report on Senate Bill No. 268 by a vote of 121 yeas.

H.C.R. No. 116, Authorizing the Enrolling Clerk to change the caption of H. B. No. 353 in the report, of the free Conference Committee on the bill.

H. B. No. 869, Validating all elections, election orders, election proceedings and amendments to charters annexing adjacent territories to or extending and prescribing the cor-

porate limits, and ordinances excluding territory in all cities having a population of not less than one hundred and fifty thousand (150,000) and not more than two hundred and forty thousand (240,000) inhabitants, as shown by the preceding United States Census.

H. B. No. 881, Providing for the compensation of grand jury baliffs in counties having a population of not less than two hundred and fifty thousand (250,000) inhabitants and not more than five hundred thousand (500,000) inhabitants.

H. B. No. 886, Making an appropriation for the support and maintenance of the Monument Hill State Park for the two-year period beginning September 1, 1945, and ending August 31, 1947, to be administered by the Texas State Parks Board.

H. B. No. 887, Creating a more efficient road system for Houston County for the maintenance of public roads and highways other than duly designated State Highways of Houston County.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk House of Representatives.

#### House Concurrent Resolution 116

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 116, Authorizing the enrolling clerk to make certain corrections in House Bill No. 353.

The resolution was read and was adopted.

#### Senate Resolution 86

(Committee to Investigate Natural Gas Resources)

Senator Chadick offered the following resolution:

Whereas, Under the surface of the State of Texas is contained the world's greatest known reservoir of natural gas; and

Whereas, Such natural gas resource is an asset and benefit to land owners, producers, industrialists, and the people and government of Texas and the United States and its orderly, beneficial and efficient production and use affects the general welfare, and can contribute immeasurably to the well being of this and future generations; and

Whereas, It is necessary, and appropriate that a Committee of the Legislative branch of the State government coordinate the study of the problems created by this natural resource since only the Legislature can enact legislation if such is found to be necessary; now therefore, be it

Resolved by the Senate of the State of Texas,

Section 1. That the Lieutenant Governor be, and he is hereby authorized, to appoint a committee of five members of the Senate, to compose and function as an interim committee, to do and perform the things hereinafter assigned to it. Such committee to sit at such times and places between the date of the final passage of this resolution and the date of the convening of the regular session of the Fiftieth Legislature, as may to said Committee seem necessary and proper; and the said committee is hereby directed, authorized and empowered to initiate and continue inquiries and investigations concerning and touching upon the natural gas resources of the State of Texas, including products related thereto and ordinarily produced in conjunction therewith. And inquire into and investigate ways, means, methods and plans for the production, sale, taxation, transportation, use and disposition of natural gas and related products, and the administration of all State laws in connection therewith, and any matter pertaining to or affecting the revenues of the State in this connection, and into any other affairs and activities of the State Government, land owners, pipe lines and pipe line companies, producers, transporters, carriers, wholesalers and retailers of natural gas and products related thereto, and all activities of the State and U. S. Government, and persons, firms or corporations in connection with natural gas, and related products, including the necessity or desirability of State taxes in connection therewith or upon the activities or products thereof.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be substantially the same as followed in the courts of this State, and the committee is authorized to hold executive

sessions, within its discretion, and then the committee shall be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Sec. 3. That the majority of the membership of the Committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said Committee shall have the power to issue attachment which may be addressed to and served by either the sergeant-at-arms appointed by said Committee or any sheriff or any constable of this State; and said Committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said Committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said Committee, including any County or political subdivision of this State, and shall also have the power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said Committee. The Committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the Committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such Committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 5. Said Committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary employees, and it shall be the duty of said Committee to make and keep a record of its investigations.

Sec. 6. The said Committee may call upon the Attorney General's Department, the Auditor's Department, the State Comptroller, the Railroad Commission, and all other State Departments for assistance and advice and it shall be the duty of the At-

torney General's Department to give counsel and assistance on request of the Chairman or members of said Committee; and the State Railroad Commission and the State Comptroller's office are hereby authorized and directed at the order of the Chairman or members of the Committee to furnish the Committee such records as the Railroad Commission or Comptroller's office contains and such services, facilities and expert personnel as the said departments may have.

Sec. 7. That said Committee shall submit a report in writing to the Fiftieth Legislature and make such recommendations as its conclusions warrant and is directed, authorized and empowered to reduce its findings to writing and furnish copies to the Members of the Legislature. The compensation and expenses herein provided and incident to the work of such Committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-ninth Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the Chairman of said Committee; and sufficient money is hereby appropriated out of the mileage and per diem contingent fund of said Forty-ninth Legislature to meet the payment of such per diem and expenses of the members of said Committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 8. Said Committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

The resolution was read.

On motion of Senator Chadick, the resolution was referred to the Committee on Finance.

#### Communication from the Governor

The President laid before the Senate and had read the following communication from the Governor:

Austin, Texas,  
June 1, 1945.

To the Forty-ninth Legislature:

I am returning herewith House Bill No. 814 to the House of Representatives without my approval. My ob-

jections to the bill arise from a belief that it is unconstitutional.

It is my opinion that this bill falls within the category of those usually referred to as bracket bills which have been repeatedly held by the courts to be violative of Constitutional provisions. Among other cases, Bexar County vs. Tynan, 97 S. W. (2nd) 467; Miller vs. El Paso County, 150 S. W. (2nd) 1000.

In the message which accompanied the return of House Bill 167 to the 48th Legislature, and which appears in Senate Journal, page No. 286, and House Journal, page 581, the objections to similar legislation and the authorities supporting them are more fully referred to. I know of no subsequent opinions which overrule or modify the decisions in the cases cited.

Sincerely believing the bill to be invalid, it becomes my duty to return it to the House without my approval.

Respectfully submitted,

COKE R. STEVENSON,

Governor of Texas.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 341, "An Act authorizing the issuance of refunding bonds in lieu of amortization bonds issued by water improvements districts or conservations and reclamation districts under authority of Chapter 78, Acts of the Forty-third Legislature; prescribing the method of issuing such refunding bonds; requiring an election on the issuance of the refunding bonds and on the question as to whether said bonds shall be supported by an ad valorem tax or by a tax levied upon an equitable basis in proportion to benefits; prescribing the duties of the Comptroller of Public Accounts in reference thereto; providing for approval by the Attorney General and the effect thereof or in the alternative the adjudication thereof by court of competent jurisdiction and the effect thereof; making a finding as to benefits which have accrued to lands in such districts; prescribing a severability clause; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 228, "An Act changing the name of "Prairie View State Normal

and Industrial College" or colored teachers to Prairie View University" and providing for the establishment of courses in law, medicine, engineering and pharmacy in such University whenever there is any demand for any such courses."

C. S. S. B. No. 82, "An Act making an appropriation in the sum of Seven Hundred Fifty (\$750.00) Dollars from the State's General Revenue Fund for the purpose of reimbursing William Trakas, by reason of judgment obtained against the State of Texas in said amount in the 68th Judicial District Court of Dallas County, Texas; further providing that the Comptroller of the State of Texas issue warrant; and declaring an emergency."

S. B. No. 110, "An Act making an appropriation of \$7,748.30 to the College of Mines and Metallurgy, a branch of the University of Texas, at El Paso, Texas, for the purpose of acquiring additional land within and adjacent to the campus of said College and the making of improvements thereon; and declaring an emergency."

S. B. No. 140, "An Act appropriating from the State Highway Funds \$1750.00 to pay a judgment rendered in the District Court for the Fifty-third Judicial District of Texas, Travis County, Texas, in Cause No. 55,110, styled D. F. Jones Construction Company vs. The State of Texas et al., in favor of D. F. Jones Construction Company and against the State of Texas in the amount of \$1750.00; and declaring an emergency."

S. B. No. 342, "An Act conveying the title of the State of Texas to Lot No. 4, Block 1 in the R. T. Mulcahy's Addition to the Town of Rosenberg, Ft. Bend County, Texas, acquired by the State under tax sale, to Richmond Cotton Oil Company, Inc., a Texas corporation; and declaring an emergency."

H. C. R. No. 109, Authorizing the Enrolling Clerk of the Senate to make certain changes in Senate Bill No. 317.

S. J. R. No. 5, Proposing an amendment to the Constitution of the State of Texas authorizing the Legislature to appropriate Seventy-five Thousand



(\$75,000.00) Dollars or so much thereof as may be necessary, to pay claims incurred by John Tarleton Agricultural College for the construction of a building on the campus of such College pursuant to deficiency authorization of the Governor of Texas on August 31, 1937.

S. B. No. 132, "An Act amending Article 7131, Revised Civil Statutes of 1925, as amended by House Bill No. 990, Forty-sixth Legislature, and amending Article 7132, Revised Civil Statutes of 1925, as enacted by the Second Called Session, 1923, requiring and directing that all taxes received and/or due under this law by any executor, administrator, or trustees shall be paid by him to the State Treasurer; amending Article 7141, Revised Civil Statutes of 1925, as amended by the Second Called Session of the Thirty-eighth Legislature, as amended by the Regular Session of the Forty-third Legislature, Acts of 1933; and repealing Article 7142, Revised Civil Statutes of 1925, as amended by Chapter 192, Acts of the Forty-third Legislature, 1933."

S. B. No. 315, "An Act granting permission to Mrs. Flora Dugat, and husband, J. M. Dugat, Mrs. Mildred D. Miller, and husband, Leon Miller, and James Clyde Dugat, a minor, to bring suit against the State of Texas and/or Highway Department of Texas and/or Department of Public Safety of the State of Texas, for damages; etc., and declaring an emergency."

S. C. R. No. 34, Granting permission to J. I. Case Company to sue the State of Texas.

S. C. R. No. 36, Suspending joint rules for the purpose of allowing consideration in the Senate today and tomorrow of S. B. No. 348.

S. B. No. 120, "An Act appropriating the sum of One Million Two Hundred Twelve Thousand One Hundred Eighty-One (\$1,212,181) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1945, and ending August 31, 1947, (from the General Revenue Fund for the purpose of promoting public school interests) and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education and vocational rehabilitation of disabled persons according to the Federal laws governing

vocational education, all of which shall be matched by Federal funds, etc."

S. B. No. 246, An Act fixing the compensation of certain officials in counties with a population of not less than 300,000, nor more than 500,000, according to the last preceding Federal Census, providing for fifteen (15%) per cent increase in salaries of the employees, deputies, and assistants of said county officials, based on March 1, 1945 payroll; for two assistants to the County Treasurer at stated salaries and to be appointed by him. With amendments.

H. C. R. No. 33, Relative to the adoption of a rule by the State Public Welfare Department concerning applicants for old age assistance.

H. C. R. No. 110, Making certain changes in Senate Bill No. 120.

H. C. R. No. 112, Suspending the Joint Rules for consideration of certain bills.

H. C. R. No. 113, Suspending the Joint Rules to permit the House to consider House Bill No. 881, House Bill No. 869 and House Bill No. 867 on any Senate Bill day.

#### House Bills on First Reading

The following House bills received from the House today, were laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 886, to Committee on Finance.

H. B. No. 887, to Committee on Highways and Motor Traffic.

H. B. No. 881, to Committee on Civil Jurisprudence.

H. B. No. 869, to Committee on Towns and City Corporations.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 31, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 883, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KNIGHT, Chairman.



Austin, Texas,  
June 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 884, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Austin, Texas,  
June 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. R. No. 86 by Chadick, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chaisman.

Austin, Texas,  
June 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 879, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chaisman.

Austin, Texas,  
June 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 843, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be mimeographed and not otherwise printed.

LANNING, Chaisman.

Austin, Texas,  
June 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 283, have had same under consideration and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

LANNING, Chaisman.

Austin, Texas,  
June 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 350, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

LANNING, Chaisman.

Austin, Texas,  
June 1, 1945.

Hon. John Lee Smith, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic to whom was referred H. B. No. 887 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

METCALFE, Chairman.

#### Hour For Executive Session

On motion of Senator Winfield, the Senate agreed to hold an executive session at 12:00 o'clock noon Monday, May 4, 1945.

(President pro tempore in the Chair)

#### House Bill 309 on Third Reading

Senator Graves moved that the regular order of business be suspended to take up House Bill No. 309 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Martin
Brown	Metcalf
Bullock	Moffett
Chadick	Moore
Crawford	Parrish
Graves	Shivers
Jones	Stone
Kelley	Vick
Knight	Winfield
Lanning	York

## Nays—4

Lane Taylor  
Ramsey Weinert

## Absent

Morris Sulak  
Stanford

## Absent—Excused

Carney Mauritz  
Hazlewood Spears

The President pro tempore then laid before the Senate on its third reading and final passage:

H. B. No. 309, A bill to be entitled "An Act relating to aeronautics; providing for the development thereof within this State; creating a state aeronautics commission and the office of director of aeronautics; prescribing the powers and duties of such commission and director; making an appropriation therefor; prescribing penalties, and repealing all laws and parts of laws in conflict herewith; providing that if any section, paragraph, sentence, clause, phrase or part of this act be invalid, such invalidity shall not affect the remainder thereof; and declaring an emergency."

The bill was read third time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. 309, as amended, by striking out the following "The number of employees and the salary of each shall be as fixed in the departmental appropriation bill" and substitute the following:

The following employees at the salaries specified are authorized to be paid out of the appropriation made herein

	1945-46	1946-47
Director .....	\$ 4,000.00	\$ 4000.00
Statistician and Auditor .....	2,400.00	2,400.00
Secretary .....	1,725.00	1,725.00
Per diem and traveling expenses of commissioners' .....	1,800.00	1,800.00
Engineers .....	3,600.00	3,600.00
Office equipment, rent, stamps, stationery, telephone and telegraph and contingent fund....	3,600.00	3,600.00
Traveling expense		

of director and employees .....	1,000.00	1,000.00
Seasonal help.....	1,500.00	1,500.00

19,625.00 19,625.00

Strike out the appropriation of \$5,000.00 for the fiscal year ending Aug. 31, 1945.

METCALFE, Chairman

(President in the Chair)

The amendment was adopted unanimously.

Senator Moore offered the following amendment to the bill:

Amend H. B. 309, Section 3 by inserting at the end thereof the following:

"In making such appointments the Governor shall take into consideration the experience in and knowledge of the aviation industry and the science of aviation possessed by any appointee."

The amendment was adopted unanimously.

On motion of Senator Metcalfe, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

House Bill No. 309 then was passed.

### Senate Bill 133 With House Amendments

Senator Stanford called S. B. No. 133 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Stanford moved that the Senate concur in the House amendments.

The motion prevailed.

### Motion to Place House Bill 161 on Second Reading

Senator Jones moved that the regular order of business be suspended and that House Bill No. 161 be placed on its second reading and passage to third reading.

Question—Shall the motion prevail?

### Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Senator Bullock moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—14

Aikin	Taylor
Graves	Moore
Chadick	Ramsey
Lane	Stanford
Martin	Vick
Metcalfe	Weinert
Stone	York

#### Nays—11

Brown	Moffett
Bullock	Parrish
Crawford	Shivers
Jones	Sulak
Kelley	Winfield
Knight	

#### Absent

Morris	Lanning
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#### Absent—Excused

Carney	Mauritz
Hazlewood	Spears

Accordingly, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

### EIGHTY-SECOND DAY

(Saturday, June 2, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President:

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senate Winfield.

Senators Spears, Knight, Carney, and Morris were granted leaves of absence for today on account of important business on motion of Senator Winfield.

#### Reports of Standing Committees

Senator Sulak submitted the following report:

Austin, Texas,  
June 2, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 438, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

SULAK, Chairman.

Austin, Texas,  
June 2, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 836, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

#### Senate Concurrent Resolution 39

Senator Taylor offered the following resolution:

S. C. R. No. 39, Relating to rules of eligibility for old age assistance.

Whereas, It has come to the attention of the Legislature that many aged people are transferring property both real, personal, and mixed to relatives in order that they may make themselves eligible for old age assistance,